

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on December 29, 2009. At the time the Examiner mailed the Office Action, claims 1-21 were pending. By way of the present response, applicant has: 1) amended claims 1, 8, 10, and 12-21; 2) added no new claims; and 3) canceled no claims. No new matter has been added.

Reconsideration of this application as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 101

Claims 13-21 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

While applicant does not agree with the rejection, in the interest of furthering prosecution, applicant has amended claims 13-21 to recite a “non-transitory machine-readable storage medium” in accordance with the Examiner's suggestion. Accordingly, applicant respectfully submits that the rejection of claims 13-21 under 35 U.S.C. §101 has been overcome.

35 U.S.C. § 112 Rejections

Claims 13-21 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the “tangible machine readable medium” as previously recited in claims 13-21 is not described in applicant's original disclosure. Claims 13-21 have been amended to recite a “non-transitory machine-readable storage medium.” Support for the

amendments can be found in the specification as originally filed, e.g. at least in paragraph [23].

Claims 1-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly being indefinite. In particular, the Examiner alleges that the “whole number” recited in claims 1 and 13 should be defined as a non-zero whole number because the cache cannot be divided into a zero number. Claims 1, 8, 10, 12, 13 and 20 have been amended to recite a “non-zero whole number” as suggested by the Examiner. Support for the amendments can be found in the specification as originally filed, e.g. at least in paragraph [02].

Accordingly, applicant submits that the rejection of claims 1-21 has been overcome.

CONCLUSION

Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully Submitted,
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